



BRIEF DESCRIPTION OF PROPOSED PROJECT:

- The proposal is the addition of a deck to the back of the main level of a rowhome in Northwest, DC. The deck measures 8' 4 ¾" deep by 13' 1 ½" wide. A winder stair will connect the deck to the grade below and measures 10' 1 ½" deep, projecting slightly past the face of the deck.

WHY IT REQUIRES ZONING RELIEF:

- Zoning relief is needed because the proposed deck will be higher than 4' off the ground and will therefore be counted in lot occupancy calculations. The current lot occupancy will increase from 63.26% to 73.28%.
 - It is important to note that Chapter 2, section 202.1 defines the lot area minimum in RF zones as 1,800 sf. The lot in question is sized under the minimum requirements at 1,097.1 sf. This skews the lot occupancy calculations.
- Zoning relief is needed because the deck will be higher than 4' off the ground and will therefore be counted as a structure to which the setback will be measured, bringing the existing setback from approximately 10' to approximately 19".
 - It is important to note that Title 11, Subtitle E, Chapter 2, Section 205.3 and 205.5 previously granted the ability to build 10' into the required setback, which brought the setback from the zone-required 20' to 10'.

WHICH SECTIONS OF THE CODE APPLY AND HOW THE APPLICATION MEETS EACH OF THE CRITERIA:

- Title 11, Subtitle X, Chapter 9, Sections 901.2(a), (b), and (c) provide the basis for special exceptions that align with the general purpose and intent of Zoning Regulations and Zoning Maps while also not adversely affect neighboring properties. Pursuant to Section 901.2, the Board of Zoning Adjustment is authorized (under § 8 of the Zoning Act, D.C. Official Code § 6-641.07(g)(2)), to grant special exceptions, as provided in this title, where, in the judgement of the Board of Zoning Adjustment, the special exceptions:

(a) Will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps.

Pursuant to Title 11, Subtitle E, Section 300.1, "The purpose of the RF-1 zone is to provide for areas predominantly developed with row houses on small lots within which no more than two (2) dwelling units are permitted." There is presently a single dwelling on the property, and that would not be changed by the addition of the proposed deck. Moreover, the proposed deck, which will be situated on the north side of the dwelling facing an alley, is similar in size, shape, and materials to the other decks on the north side of dwellings on Quebec Place NW (no less than 12 of the 24 row houses on the north side of the subject block of Quebec PI NW have similar decks and/or storage structures which generally go to the edge of the respective properties lines). See attached photographs. As reflected by the presence of multiple similar existing decks on this block of Quebec PI NW, the proposed deck for this single-dwelling RF-1 property will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps.



(b) Will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps.

The proposed deck will not adversely affect the use of neighbor property. It would not intrude on any neighboring property, nor would it unduly affect light available to adjacent/abutting dwellings. The proposed deck is on the north side of the dwelling, which results very limited or no direct sunlight that impacts this side of the property, and since the deck is on the main level, it will not affect the light going to the main or upper level of the adjacent dwellings. Moreover, both adjacent dwellings have an existing rear addition at the main and upper levels, which already obscures windows at the lowest level. And air to the adjacent dwellings would not be affected since the deck is uncovered and is open underneath.

(c) Will meet such special conditions as may be specified in this title.

As further set forth below, the proposed deck meets the special conditions, particularly the criteria within the scope of Title 11, Subtitle E, Chapter 5201, Section 5201.4(a), (b), (c), and (d), since the proposed deck will not have a substantial adverse effect on the use or enjoyment of any adjacent/abutting property.

- Title 11, Subtitle X, Chapter 10, Sections 1001.2 and 1001.3 define what kinds of changes trigger the need for an area variance.
 - The zoning regulations for this property, which is sized significantly smaller than the zone-minimum of 1,800sf, result in exceptional difficulties to the owners. The small lot size limits functionality and enjoyment of their dwelling since it results in a very small back yard that, at best, is currently usable only for single car parking. Such parking area slopes downward and is subject to flooding during heavy rains (although there is drainage that helps dissipate any such water, such area is not suitable as living space and has no other practical use other than parking). Increasing the allowance for lot coverage and minimizing the need for a setback for the proposed deck would allow the owners to enjoy their property in a manner that is consistent with their neighbors in this RF-1 zone (many of which, as shown in the attached photographs, have existing decks and/or other structures that allow for some functional use of those other properties).
- Title 11, Subtitle X, Chapter 10, Sections 1002 defines the standards for granting a variance upon meeting certain criteria, including explanations on how the strict application of zoning regulation result in exceptional and undue hardship and peculiar and exceptional practical difficulties.
 - In particular, in regards to Section 1002.1(a), the strict application of a zoning regulation would result in peculiar and exceptional practical difficulties to the owner of the subject property. As further discussed below in connection with Title 11, Subtitle E, Chapter 5201, Section 5201.4(a), (b), (c), and (d), the small lot size of the subject property (1097.1 square feet) impairs functionality and enjoyment of the dwelling, as the back of the property where the proposed deck would go is otherwise only useful for single car parking. Moreover, that parking area is on a downslope, so it is subject to flooding and is not suitable for any type of outdoor seating or other practical usage. The proposed deck would provide some outdoor living space and allow for the rear door serving the main floor to be moved to a more practical location that would allow better usage of the interior space as well. Increasing the allowance for lot coverage and minimizing the



need for a setback would allow the owners to enjoy their property in a more equal capacity to their peers in this RF-1 zone. It would allow the property to be used in a manner consistent with the typical usage by neighboring properties (many of which, as shown on the attached photos, have decks similar to the proposed deck and/or other structures which provide some practical use and enjoyment of that portion of the property); otherwise that area is, at most, only usable for parking.

- Title 11, Subtitle E, Chapter 2, Section 202.1 defines the lot area minimum in RF zones as 1,800 sf.
 - The owner's lot size is significantly smaller than others in the same zone, which skews the values of both existing and proposed coverage.
- Title 11, Subtitle E, Chapter 3, Section 304.1 defines the maximum lot occupancy as 60% for zone RF-1, attached dwellings.
 - The owner's lot size is significantly smaller than others in the same zone, which skews the values of both existing and proposed coverage.
- Title 11, Subtitle E, Chapter 3, Section 306.1 defines the setback in zone RF-1 as 20 ft.
- Title 11, Subtitle E, Chapter 2, Section 205.3 and 205.5 grant the ability to build 10 ft into the required setback for this property (built prior to 1958).
- Title 11, Subtitle B, Chapter 3, Sections 324.1(a) and 327.2 indicate that any structure above 4' cannot encroach on the setback.
 - Due to the small lot size and geography of the subject property, the back yard consists solely of a sloping driveway which is, at most, currently useful for parking. Due to the slope, that area has a tendency to collect water during heavy rains, and it is not suitable as living space. Allowing the proposed deck to be constructed over that driveway (the top of the proposed deck, not including its railing would be 8' $\frac{3}{4}$ " high) would allow the owners to enjoy their property in a more equal capacity to their neighbors in this RF-1 zone (many of the houses on Quebec PI NW have, as shown on the attached photographs, existing decks and/or other structures), and as further addressed below, the use and enjoyment of adjacent properties would not be unduly affected by the proposed deck.
- Title 11, Subtitle E, Chapter 5201, Section 5201.4(a), (b), (c), and (d) defines the criteria to avoid adversely affecting the use and enjoyment of abutting or adjacent properties. In accordance with Section 5201.4(a), (b), (c), and (d), the following demonstrates that the proposed deck will not have a substantially adverse effect on the use or enjoyment of any abutting or adjacent dwelling or property, specifically:

(a) The light and air available to neighboring properties shall not be unduly affected.

As indicated above, light available to adjacent/abutting dwellings would not be unduly affected. The proposed deck would be situated on the north side of the dwelling, and the north side of the subject dwelling (and the north side of the other dwellings situated on the same block of Quebec PI NW) receive very little or no direct sunlight. Moreover, since the proposed deck is on the main level, it will not affect the light going to the main



or upper level of the adjacent dwellings, and, since both adjacent dwellings have an existing rear addition at the main and upper levels, the windows at the lowest level of those adjacent dwellings is already obscured. Furthermore, air to the adjacent dwellings would not be affected since the deck is uncovered and is open underneath.

(b) The privacy of use and enjoyment of neighboring properties shall not be unduly compromised.

The proposed deck would not unduly compromise the use and enjoyment of neighboring properties. The lot size of all properties situated on the north side of the same block of Quebec Pl NW are all approximately 1100 square feet or less, which results in a back yard of similar (or less) size than the subject property. Such back yards typically consist of a concrete slab (although some lots do not even have space for that). As a result, the back yards of these properties have very limited usage, and as indicated above (and further demonstrated by the attached photos), many of the dwellings on this block already have existing decks and/or storage structures to allow some use of the back of the properties. The proposed deck would not intrude upon any of the neighboring properties; rather, it would be in harmony with the existing privacy of uses and enjoyment of the neighboring properties.

(c) The proposed addition or accessory structure, together with the original building, or the new principal building, as viewed from the street, alley, and other public way, shall not substantially visually intrude upon the character, scale, and pattern of houses along the street or alley frontage.

The proposed deck would not visually intrude upon the character, scale and pattern of the other houses on this block, since many of which, as demonstrated by the attached photographs, already have similarly sized decks and/or other structures. Moreover, as shown on the attached photos, the house directly to the back of the subject property has a 10+ foot garage door at the edge of its property, and the neighbors adjacent thereto also have garage doors, fencing and other structures which obscure the view to the subject property.

(d) In demonstrating compliance with paragraphs (a), (b), and (c) of this subsection [5201.4], the applicant shall use graphical representations such as plans, photographs, or elevation and section drawings sufficient to represent the relationship of the proposed addition or accessory structure to adjacent buildings and views from public ways.

The attached photographs show the relationship of the rear of the subject property to the properties along the alleyway where the proposed deck would be situated. As can be seen from the photos, many of the dwellings on the same side of the alley as the subject dwelling have existing decks and/or other structures which extend all the way to their respective property lines (the proposed deck would end approximately 19" short of the property line). Also, as shown by the attached photos, the dwelling immediately across the alley from the subject property and the neighbors adjacent to such dwelling each have garage doors, garages and/or fencing that obscures views of the subject property. The photographs demonstrate the proposed deck would be in harmony with and not unduly affect usage by any neighboring properties.

Photograph No. 1: taken from the center of the alley behind 1005 Quebec Pl NW facing East



Photograph No. 2: taken from the center of the alley behind 1005 Quebec Pl NW facing West



Photograph No. 3: taken in the alley showing additional properties to the West of 1005 Quebec Pl NW



Photograph No. 4: taken in the alley showing additional properties to the East of 1005 Quebec PI NW



Photograph No. 5: taken in the alley showing additional properties to the East of 1005 Quebec PI NW



Photograph No. 6: taken directly behind 1005 Quebec Pl NW facing the property across the alley



Photograph No. 7: taken directly behind 1005 Quebec Pl NW facing the property to the East of the property directly across the alley



Photograph No. 8: taken directly behind 1005 Quebec Pl NW facing the property to the West of the property directly across the alley

